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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,524	10/08/2003	Leslie S. Marco	13727	9641
7590	12/19/2005			
			EXAMINER	
			TAWFIK, SAMEH	
			ART UNIT	PAPER NUMBER
			3721	
DATE MAILED: 12/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/681,524	MARCO ET AL.
	Examiner Sameh H. Tawfik	Art Unit 3721
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<b>Period for Reply</b>		
<b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.</b>		
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b>		
<p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>14 October 2005</u>.</p> <p>2a)<input type="checkbox"/> This action is <b>FINAL</b>.                            2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>		
<b>Disposition of Claims</b>		
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-19</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) <u>14-19</u> is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-13</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>		
<b>Application Papers</b>		
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p style="margin-left: 20px;">Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).</p> <p>11)<input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.</p>		
<b>Priority under 35 U.S.C. § 119</b>		
<p>12)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All    b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <p style="margin-left: 20px;">1.<input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p style="margin-left: 20px;">2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p style="margin-left: 20px;">3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p>		
<p>* See the attached detailed Office action for a list of the certified copies not received.</p>		
<b>Attachment(s)</b>		
<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10082003</u>.</p> <p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____.</p>		

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of Group I, claims 1-13 in the reply filed on 10/14/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

This application contains claims 14-19 drawn to an invention nonelected in Paper No. 10142005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Broskow (U.S. Patent No. 5,487,465).

Broskow discloses a method of making a container carrier, comprising steps of: providing a handle sheet and a carrier sheet (Fig. 5; via sheets 58 and 60); positioning the handle sheet on at least a portion of the carrier sheet (Fig. 5); connecting the handle sheet and the carrier sheet along a line of attachment (Fig. 5; via along line 62); forming first and second rows of container receiving apertures in the carrier sheet on opposite sides of the line of attachment (Figs. 2 and 3); and forming holes in the handle sheet simultaneously with forming the first row of

apertures, the holes and the first row of apertures formed in substantially the same configurations (Fig. 5; via die 64).

Regarding claim 2: the step of connecting performed by creating a substantially continuous weld between said sheets (Fig. 5; via weld line 62).

Regarding claim 3: including connecting the handle sheet with the carrier sheet along first and second spaced lines of attachment (Figs. 2 and 5; via connecting 46 at it's both sides with respect to the carrier sheet); and removing a portion of the handle shed between the first and second spaced lines of attachment (Fig. 5; via by removing portions of handle 46).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broskow (U.S. Patent No. 5,487,465) in view of Marco (U.S. Patent No. 6,415,917).

Brosko discloses the step of forming the first row of apertures between one of the lines of attachment and an edge of the carrier sheet (Fig. 3) and forming holes in the handle sheet simultaneously with forming the row of apertures. Broskow does not disclose the steps of forming the second row of apertures between lines of handle attachment nor forming a third row of apertures in the carrier sheet. However, Marco discloses a similar method of making a container carrier comprising the steps of forming the second row of apertures between lines of

handle attachment and forming a third row of apertures in the carrier sheet, see for example (Figs. 1 and 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Brosko's method of making container carrier by having the steps of forming the second row of apertures between lines of handle attachment and forming a third row of apertures in the carrier sheet, as suggested by Marco, in order to come up with a container carrier that unitizes a plurality of containers into a tight, solid package that is easy to carry by having a pair of secure handles (column 1, lines 37-40).

Regarding claims 7 and 12: Broskow nor Marco disclose the step of forming a merchandising panel. However, the examiner takes an official notice that such a merchandising panel in container carrier is old, well known, and available in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Brosko as modified by Marco, by having the step of forming a merchandising panel, as a matter of engineering design choice, in order to advertise for the products.

Regarding claim 8: Broskow discloses a method of making a container carrier, comprising steps of: providing a handle sheet and a carrier sheet (Fig. 5; via 58 and 60); positioning the handle sheet against the carrier sheet (Fig. 5); connecting the handle sheet and the carrier sheet along spaced first and second lines of attachment (Figs. 2 and 5; via around both sides of 46); removing a strip of the handle sheet between the lines of attachment, leaving a first handle portion outwardly from the first line of attachment and a second handle portion outwardly from the second line of attachment (Fig. 5; via 64); forming a first row of container receiving

apertures in the carrier sheet outwardly from the first line of attachment and simultaneously forming holes in the first handle portion similarly shaped to the first row of apertures (Figs. 3 and 5); forming a second row of apertures in the carrier sheet between the first and second lines of attachment (Fig. 3). Broskow does not disclose the step of forming a third row of container receiving apertures in the carrier sheet. However, Marco discloses a similar method of making a container carrier comprising the steps of forming a third row of apertures in the carrier sheet, see for example (Figs. 1 and 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Brosko's method of making container carrier by having the steps of forming a third row of apertures in the carrier sheet, as suggested by Marco, in order to come up with a container carrier that unitizes a plurality of containers into a tight (column 1, lines 37-40).

Regarding claims 9 and 11: Broskow discloses that the forming steps performed by die cutting (Fig. 5; via die 64).

Regarding claim 10: Broskow disclose that the handle sheet is wider than the carrier sheet (Fig. 5; via the sheets passing die 64; the handle sheet is wider than the carrier sheet).

Regarding claim 13: Broskow discloses the step of providing the handle sheet of material different from the material of the carrier sheet (Fig. 5; via 58 and 60).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik  
Patent Examiner  
Art Unit 3721

ST.

A handwritten signature in black ink, appearing to read "Sameh H. Tawfik", is positioned above a long, thin, horizontal line.